



FY23-07

EMPLOYER BULLETIN

RETIREE RETURN TO WORK PROGRAM EXTENDED

August 2022

TRS has received numerous inquiries about the Retiree Return to Work Program extension. As a refresher, we are resending the information provided last August in Employer Bulletin FY22-11 and have also included other clarifications.

Overview

Governor Pritzker signed Public Act 102-0440 extending the program that allows a TRS retiree to return to work without post-retirement limitations. The regional superintendent must designate the employment to be in a subject shortage area in order for a retiree to be able to return to work without limitation. The program will expire on June 30, 2024.

Certification procedure

An overview of the certification procedure follows. Please refer to the rest of the bulletin for program details.

1. The Regional Office of Education fills out the TRS form certifying that the school district has a shortage area and the district met the public act requirements.
2. After meeting the requirements of the public act, the Regional Office of Education forwards the completed form to TRS certifying a subject shortage area. If approved, TRS will forward a Return to Teaching in Subject Shortage Area Employee Notification form to the school district. The district completes this form to certify the intent to hire a retiree under the program providing the retiree's name, hire date, health insurance status and the subject shortage area which applies to the retiree.
3. We will notify the retiree and school district that we received the certification form and acknowledge the hiring of the retiree. **The retiree should not begin working in the subject shortage area until TRS has provided approvals to the retiree and the TRS-covered employer.**

Participation

The retiree return to work must be in a subject shortage area and school districts must comply with the program participation requirements.

Any qualified teacher who has been honorably dismissed within the calendar year preceding the school term in which employment is sought must be offered the position before a retiree can be hired. The require-

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ments state that for a period of at least 90 days during the six months before the beginning of the school term that the employer seeks to hire a retired teacher, the school district must continually:

- advertise in employment bulletins published by college and university placement offices located near the school,
- search for teachers legally qualified to fill those vacancies through the Illinois Education Job Bank, and
- post all vacancies on the school district's website and list the vacancy in an online job portal or database.

If the vacancies are not filled after complying with these requirements, the school district must submit documentation to the regional superintendent. The regional superintendent will certify the district's compliance on a form and submit it to us.

Once hired, the retiree shall continue to be a retirement annuitant, but shall be deemed an active teacher for other purposes, such as inclusion in a collective bargaining unit, eligibility for group health benefits, and compliance with the laws governing the employment, regulation, certification, treatment and conduct of teachers.

Eligibility

A retiree receiving an annuity may teach in a subject shortage area without compromising his/her retirement status if:

- The employment does not begin within the school year service was terminated.
- The retiree has not received the TRS early retirement incentive.
- The annuitant retired before age 60 and with less than 34 years of service and the eligible employment does not begin within one year following the effective date of the retirement annuity.
- The annuitant retired at age 60 or above or with 34 or more years of service and the eligible employment does not begin within the 90 days following the effective date of the retirement annuity.
- Before the eligible employment begins, the employer notifies TRS in writing of the annuitant's desire to participate in the program.

Health insurance coverage

The retiree will participate in the group health benefits offered by the school district without limitations based on pre-existing conditions. After the retiree stops teaching in a shortage area, the retiree should notify TRS and request a TRIP Participation Election form. The retiree will have to fill out the form and obtain a termination letter from the district's insurance plan. The retiree must submit the TRIP Participation Election form along with the district's insurance termination letter to TRS within 60 days of the employment termination.

If the school district does not offer health insurance, the retiree must notify TRS and request to remain in TRIP.

The retiree should remain on district insurance through summer breaks if he/she will be participating in the program the following year.

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Notify TRS prior to hiring

Once a subject shortage area has been approved by the regional superintendent, TRS will send the Return to Teaching in Subject Shortage Area Employer Notification form to the district to complete. The district must return the form to TRS and must **not** hire the retiree for the subject shortage area until approval has been received from TRS.

No recertification required

Once a retiree is approved into the program, the retiree may continue in the approved subject shortage area through the expiration date of June 30, 2024. The employer does not need to recertify each year.

Accepting employment under the Retiree Return to Work Program limits the retiree's employment to this program only and for the subject for which he/she was hired. The retiree is not allowed to work under the Retiree Return to Work Program and work under the post-retirement work limitation of 120 days or 600 hours for either the same or a different employer. Failure to comply with these rules may result in TRS terminating his/her retirement annuity, payback of all retirement benefits received if in the year following retirement and forfeiture from participating in the return-to-work program in future years.

No service credit

No employer or employee contributions can be made to TRS and no additional service credit can be earned when a retiree is hired to work in a subject shortage area. Employment will not affect the retiree's final average salary or the annuity amount.

Post-retirement limitations

The retiree who returns to work in a subject shortage area is not required to comply with the 120-days/600-hours post-retirement limitations specified in Illinois Pension Code. The retiree will receive a pension although he/she is employed by a school district beyond the post-retirement limitations.

Notify TRS when employment is terminated

TRS must be notified when a retiree terminates teaching in a subject shortage area.

Questions

If you have questions, please contact the Employer Services Department by calling (888) 678-3675 or by email at employers@trsill.org.

